IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 18TH JANUARY 2007 / 28TH PAUSHA 1928

Bail Appl..No. 140 of 2007()

CC.998/1997 of J.M.F.C.,PAYYANNUR

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PETITIONER/ACCUSED NO.1:

ABDUL VAHAB, S/O.MUHAMMED KUNHIL,
MUNDAKAL KADAPURATH, RAMANTHALI P.O.,KANNUR DIST.

BY ADV. SRI.M.V.AMARESAN

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 18/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Bail Application No. 140 of 2007

DATED: January 18th, 2007

O R D E R

Petitioner who is the Ist accused in Crime No. 355 of 1993 of Payyannur Police Station for offences punishable under Sections 143, 147, 148, 448, 324 and 427 read with Sec. 149 I.P.C. , seeks anticipatory bail.

2. Consequent on the non-appearance of the petitioner in C.C.998/1997 before the J.F.C.M., Payyannur, the case against him was split up and re-filed as C.C. 981/98. Admittedly non-bailable warrants of arrest are pending against the petitioner.

4. Anticipatory bail cannot be granted in a case of this nature so as to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the trial court and seek regular bail. Accordingly, if the petitioner surrenders before the trial court and files an application for regular bail within three weeks from today, the same shall be considered and disposed of preferably on the same date on which it is filed after examining the contention of

the petitioner that the co-accused in the case have already been acquitted.

With the above observation this application is disposed of.

Sd/-V.RAMKUMAR, JUDGE.

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/true copy/ P.A. to Judge.